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Chairwoman



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COMMITTEE ON EDUCATION
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U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

January 26, 2023

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Becerra:

On January 19, Appropriations Committee Ranking Member Rosa DeLauro (D-CT) sent you a letter requesting information within a two-week period.¹ The administration's clearly stated policy is to make committee chairmen inquiries a priority over ranking member letters and letters from individual members.² In the context of Rep. DeLauro's letter, I am writing to know whether you will continue to follow the current administration's policy and make replies to all committee chairmen's requests your first order of business.

During the 117th Congress, you routinely ignored or otherwise failed to respond to requests made by me in my position of Committee Ranking Member and by my Republican colleagues. These failures to respond were so severe that on January 12 I wrote to you—now as a chairwoman—to receive, at long last, answers to letters I had previously sent.³

In a letter sent on December 29 to then-Committee on Oversight and Reform Ranking Member James Comer (R-KY), Richard Sauber, White House Special Counsel to the President, suggested that your failure to respond to my inquires was for the following reason: "Congress has not delegated such [oversight] authority to individual members of Congress who are not committee chairmen, and the House has not done so under its current Rules."⁴ House Rules for the 118th

¹ Letter from Rep. Rosa DeLauro to Xavier Becerra, Sec'y of Health & Human Services (Jan. 19, 2023), <https://democrats-appropriations.house.gov/sites/democrats.appropriations.house.gov/files/DeLauro%20Letter%20to%20Secretary%20Becerra%20on%20Potential%20Impact%20of%20Proposed%20House%20Republican%20Spending%20Cuts.pdf>.

² See Letter from Richard Sauber, Spec. Couns. to the President, to Rep. James Comer (Dec. 29, 2022), <https://www.politico.com/f/?id=00000185-5b1e-da8f-a9f5-db1f95d20000>.

³ Letter from Rep. Virginia Foxx to Xavier Becerra, Sec'y of Health & Human Services (Jan. 12, 2023), https://edworkforce.house.gov/uploadedfiles/01.12.23_follow_up_letter_-_hhs.pdf.

⁴ Letter from Richard Sauber, *supra* note 2.

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Congress did not change Rule X, Clause 2(a)⁵—the language Mr. Sauber cited—so it is my expectation that administration agencies will continue to make committee chairmen inquiries a priority during this Congress.

I will watch your actions carefully in response to congressional oversight. While past practice would indicate you will respond to committee chairmen while mostly ignoring letters sent by the minority or individual members, I will monitor whether this will change with a House Republican majority. Such a change would be a glaring reversal of the Biden administration policy toward answering letters from the minority and individual House members, as stated in its December 29 letter. It would also be an extreme dereliction of constitutional duty to favor the oversight requests of the President's partisan political allies, such as Ranking Member DeLauro, over those of the duly selected House committee chairmen.

Your complete responses to my January 12 letter—by its due date of January 27—will be a powerful demonstration of your willingness to fulfill your obligations to respond properly to oversight. On the other hand, should you fail to respond thoroughly to my oversight while responding to Ranking Member DeLauro in a full and timely manner, this will demonstrate your partisanship and lack of respect for Congress and the American people.

Sincerely,



Virginia Foxx
Chairwoman

⁵ RULES OF THE HOUSE OF REPRESENTATIVES, 118TH CONGRESS (Jan. 10, 2023), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.